

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MIAMEEN A. MUQBILL)	
f/k/a MIAMIN ABDULHAMID,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	
NATIONSTAR MORTGAGE, LLC,)	
)	
<u>Defendant.</u>)	

NOTICE OF REMOVAL

Defendant Nationstar Mortgage, LLC (“Nationstar”),¹ hereby removes this action to the United States District Court for the Northern District of Georgia, Atlanta Division, showing the Court as follows:

Plaintiff Miameen A. Muqbill f/k/a Miamin Abdulhamid (“Plaintiff”) filed her Complaint for Damages and Equitable Relief, Civil Action Number 14CV6328-5, in the Superior Court for the County of DeKalb, Georgia, bringing claims of wrongful foreclosure, fraud in the inducement, negligence per se, and wanton and willful misconduct. A copy of the Complaint is attached hereto as

Exhibit A.

¹ Nationstar expressly asserts, reserves, and does not waive defenses available to them under Rules 12(b)(2), (4), and (5) of the Federal Rules of Civil Procedure.

The Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a). Upon information and belief, and based on the allegation in the Complaint, Plaintiff resides in DeKalb County, Georgia at 520 Balfour Drive, Decatur, DeKalb County, Georgia. *See* Compl. at ¶¶ 1, 3; *see also Dyer v. Wal-Mart Stores, Inc.*, 535 Fed. Appx. 839, 841 n.2 (11th Cir. 2013) (citing *Molinos Valle Del Cibao, C. por A. v. Lama*, 633 F.3d 1330, 1324 (11th Cir. 2011)); *Audi Performance & Racing, LLC v. Kasberger*, 273 F. Supp. 2d 1220, 1226 (M.D. Ala. 2003); *McDonald v. Equitable Life Ins. Co. of Iowa*, 13 F. Supp. 2d 1279, 1281 (M.D. Ala. 1998). Nationstar is a foreign limited liability corporation with its principal place of business in Lewisville, Texas. Nationstar was not a citizen of the State of Georgia at the time of, or immediately prior to, the filing and service of this lawsuit or anytime thereafter.

Viewing Plaintiff's allegations as a whole and from Plaintiff's perspective, the amount of damages sought in the action exceeds \$75,000.00. Plaintiff specifically seeks special damages in an amount "no less than \$30,000.00" **and** general and consequential damages in an amount "no less than \$30,000.00" on **each** of her claims for wrongful foreclosure, fraudulent inducement, and willful and wanton misconduct. *See* Compl. at 12. Further, Plaintiff specifically seeks punitive damages no less than \$500,000.00 on **each** of her claims for wrongful

foreclosure, fraudulent inducement, and willful and wanton misconduct. *See* Compl. at 12. Plaintiff does not specify the amount in damages she seeks for her claim for negligence per se. Plaintiff seeks to recover well over the \$75,000.000 amount in controversy threshold, and therefore, Plaintiff's Complaint satisfies the amount in controversy requirement of to 28 U.S.C. § 1332.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the Superior Court of DeKalb County, Georgia as required by 28 U.S.C. § 1446. Concurrent with the filing of this Notice of Removal, Nationstar has served Plaintiff with a copy of the Notice to Superior Court of Removal to Federal Court, which will be filed in the Superior Court of DeKalb County, Georgia. A copy of this Notice, without exhibits, is attached hereto as **Exhibit B**.

By filing this Notice of Removal, Nationstar does not waive the right to assert any defenses and/or objections to which they are entitled.

WHEREFORE, Nationstar prays that Civil Action No. 14CV6328-5, in the Superior Court for the County of DeKalb, Georgia be removed to and proceed in this Court and that no further proceeding be had in this case in the Superior Court of DeKalb County, Georgia.

[Signature on following page]

Respectfully submitted this 25th day of July, 2014.

/s/ Christopher S. Anulewicz

Christopher S. Anulewicz

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ATTORNEYS FOR NATIONSTAR
MORTGAGE, LLC

CERTIFICATE OF COUNSEL REGARDING FONT SIZE

Counsel certifies that the foregoing has been prepared using Times New Roman font size 14 in accordance with Local Rules 5.1(C) and 7.1(D).

This 25th day of July, 2014.

/s/ Christopher S. Anulewicz

Christopher S. Anulewicz

Georgia Bar No. 020914

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Notice of Removal** has been filed the Clerk of Court using the CM/ECF system and served upon the following by U.S. Mail, properly addressed and postage prepaid, on this the 25th day of July, 2014.

Jeffrey M. Barnes
Barnes Firm, LLP
990 Hammond Drive, Suite 1150
Atlanta, GA 30328

/s/Christopher S. Anulewicz

Christopher S. Anulewicz
Georgia Bar No. 020914